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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,887	10/22/2003	John P. Finley	8471-0001CPA	6832

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EXAMINER

COLE, LAURA C

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,887

Applicant(s)

FINLEY, JOHN P.

Examiner

Laura C. Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8-10 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 10 is objected to because of the following informalities:

It is unclear as to which claim that Claim 10 depends from. The preamble indicates that it depends from Claim 7, however Claim 7 has been canceled. The Examiner in this office action treats Claim 10 to be depending from Claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1, 4-6, 8, 10, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072 in view of Racina, USPN 3,028,617.

Veith discloses the claimed invention including a shoe cleaning apparatus selectively attachable to a vehicle (Column 1 Lines 18-24) that comprises a frame (19) having a forward end

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including a mounting arm (portion of "19" that has opening "18" includes the mounting arm "11"), the mounting arm including at least one mounting aperture formed thereon (13 or 15), a cleaning unit coupled to the frame (23), a coupling element coupling the mounting arm (fasteners, Column 1 Lines 41-44) that is capable of extending through another aperture of a hitch receiver, and a hinge disposed on the mounting arm (17, 18, 20, 21, and 22 assemble to form a hinge, Column 1 Line 47 to Column 2 Line 3). Regarding particularly claims 4 and 15, the frame includes a linking aperture (third unlabeled aperture near "13" or could be "13" or "15") that would be capable of being adapted to cooperate with another device such as a tow bar. The mounting arm includes and defines a stepped portion extending perpendicularly between the lower portion and upper portion (upper portion is "12", lower portion is "16", and middle portion is "14", see Figures), the lower portion coupled to and extending from the brush assembly (at the hinge portion near "17" and "18"), the upper portion is capable of being coupled to a hitch receiver (via openings 13 and 15), and the stepped portion is adapted to present the brush assembly at a laterally offset orientation from a vehicle to a ground surface (see Figures). The brush assembly is operable to rotate between a parallel relationship with a ground surface in an operating position and an upright position substantially perpendicular to the ground surface in a storage position (see arrow showing movement in Figure 2). Veith includes rubber nipples (27) to clean and remove slush or foreign matter from a shoe sole (Column 2 Lines 9-13).

Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

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It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats.

Applicant's Arguments

3. In the response of 16 February 2005, the Applicant contends that none of the prior art, specifically Hensley, Racina, and Woodward) includes a mounting arm having a stepped portion extending perpendicularly between a lower portion and upper portion or a mounting arm having at least one mounting aperture, and wherein the coupling element extends through said hitch receiver aperture and said mounting aperture.

Response to Arguments

4. Applicant's arguments filed 16 February 2005 have been fully considered but they are not persuasive.

In the prior Office Action of 16 December 2004, the Examiner indicated allowable subject matter, however in further consideration of the claim language and prior art found, the Examiner rejects Claims 1, 4-6, 8, and 10 for the reasons stated above in Paragraph 2 over USPN 3,740,072 to Veith in view of USPN 3,028,617 to Racina. The device that the Applicant claims is a shoe cleaning apparatus attachable to a vehicle hitch receiver. The shoe cleaning device shown in Figures 1-2 of Veith is structurally very similar to Figures 8-9 of Applicant's invention. Furthermore, the "hitch receiver" shown in Figures 1-9 of the Applicant's invention varies significantly in terms of structure. The cleaning device of Veith is for connection to a door opening of a vehicle (Column 1 Lines 5-9), however given the mounting arm structure and coupling elements of Veith, the cleaning device is capable of being mounted to hitch receiving

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structure or any sort of structure (relating to vehicles or not) that would allow be capable of connection with openings "13" and "15". The claimed structure of the Applicant's shoe cleaning apparatus can be found in Veith in view of Racina.

Additionally, it is noted that a non-final office action was mailed to the Applicant on 19 April 2005, however it failed to address claims 15-18. Independent Claim 15 particularly claims the feature "...said linking aperture adapted to cooperate with a tow bar in a towing position for towing a second vehicle..." As it is noted in paragraph 3 above, the frame includes a linking aperture (third unlabeled aperture near "13" or could be "13" or "15") that *would be capable of being adapted to cooperate* with another device such as a tow bar. Examiner would also like to point out that USPN 2,857,173 to Benander (cited on PTO-892 in paper 12062004) includes a frame also having a linking aperture formed on both forward ends and rearward ends that would also be capable of being adapted to cooperate with a tow bar (see particularly Figures 4-5).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

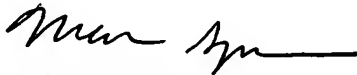
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LCC

04 May 2005


MARK SPISICH
PRIMARY EXAMINER
GROUP 3400
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